

REMARKS

Claims 1-8 are pending. An advisory action was issued based on the following three points and the Applicant responds as follows:

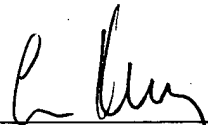
1. The Examiner has object to the proposed amendment of 1 μm in the specification. Applicant has amended the specification to 1.0 μm .
2. The Examiner has correctly indicated that Yamazaki (2003/0054269) qualifies as a 35 U.S.C. 102(e) reference. Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. §103 via 35 U.S.C. §102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention, "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person" (see MPEP Section 706.02(l)(1)). A statement of an attorney of record can be sufficient evidence to establish common ownership (see MPEP Section 706.02(l)(2)). As established by the enclosed Statement of Common Ownership, at the time the invention of the current application was made, the inventions of the current application and Yamazaki were owned by, or subject to an obligation of assignment to Konica Corporation, a Japanese Corporation. Since the Applicant has established common ownership, Yamazaki is disqualified as prior art under 35 U.S.C. §103(a) and should be removed as a basis for rejection under 35 U.S.C. §103(a).
3. The Examiner was not persuaded by the declaration since it was not signed. Enclosed, the Examiner will find an executed declaration.

Withdrawal of the rejections and allowance of the claims is respectfully requested. Should the Examiner have any questions or concerns, the Examiner is invited to call the undersigned attorney of record.

Respectfully submitted,

Date: April 6, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Akihiko Itami	Examiner: Christopher D. Rodee
Serial No. 10/663,137	Art Unit: 1756
Filed: September 15, 2003	
Title: Image Forming Method	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF COMMON OWNERSHIP


Dear Examiner Rodee:

At the time the invention of the current application (USSN 10/663,137) was made, the inventions of the current application and Yamazaki (2003/0054269) were owned by, or subject to an obligation of assignment to Konica Corporation, Japanese Corporation.

Respectfully submitted,

Date: April 6, 2006

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